

REMARKS

Claims 1, 3- 5, 8 - 11, and 13 - 17 are pending. Claims 1, 3, 4, 8, 10, 14, and 15 have been amended. Claims 2, 6, 7, and 12 have been cancelled. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the October 13, 2004 Office Action, the Examiner rejected claims 1 - 5, 10 - 12, and 14 - 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,665,810 to Sakai ("the Sakai reference"). The Examiner rejected claims 6- 9, 13 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Sakai reference. These rejections in so far as they are applicable to the pending claims are respectfully traversed.

Claim 1, as amended, recites:

A link speed adjusting system, comprising:

a network adapter to provide communication between a computing system and a network, said network adapter operable at more than one link speed;

a network device driver to control functionality of said network adapter; and

a power source to provide power to said computing system,
wherein said network device driver **periodically executes a maintenance routine to determine if the computing system is powered by a source of finite power capacity and lowers the link speed of the network adapter if the computing system is powered by the source of finite power capacity.**

The Sakai reference does not disclose, teach, or suggest the link speed adjusting system of claim 1, as amended. The Examiner states that the Sakai reference teaches that the network device driver causes said network adapter to switch from a higher link speed to a lower link speed when said power changes from an AC

power supply to a power source of finite power supply. (*Office Action, page 3*). The Sakai reference discloses a network including a personal computer (PC), a digital video camera (DVC), and a video cassette recorder (VCR) connected together via a 1394 network. If data is being transmitted from the DVC to either the PC or the VCR, the data is transferred to a temporary buffer of the internal circuit of the DVC. An internal circuit determines based on the input data stored in the buffer whether the data is addressed to the DVC or not. A power supply decision circuit determines whether the DVC is powered by AC power or a battery. Based on the whether the data is addressed to the DVC or not and whether the DVC is powered by AC power or battery, the internal circuit determines whether or not to change the transfer rate from 400 megabits per second to 100 megabit per second. (*Col. 5, line 23 - col. 6, line 42; Col. 6, lines 43 - 50*).

In other words, in the Sakai reference, the DVC either receives a request from one of the other devices or decides to transfer data on its own. Based on what operation the DVC is handling, i.e., transferring data to the VCR or TV or acting as a temporary buffer when data is being transferred from the TV to the VCR, if the DVC is being powered by a battery, the DVC will transmit data at 400 Mbps (when acting as a temporary buffer) or 100 Mbps (when transferring data from the DVC to either the VCR or the TV). This is not the same as a link speed adjustment system wherein a network device driver **periodically executes a maintenance routine to determine if the computing system is powered by a source of finite power capacity and lowers the link speed of the network adapter if the computing system is powered by the source of finite power capacity.** It is not the same because in the Sakai reference,

the link speed is determined after either 1) a data transfer from the DVC is requested (to either the PC or the VCR; or 2) a data transfer is initiated between the PC and the VCR. There is no disclosure in the Sakai reference that a **maintenance routine is periodically executed** to determine whether the computing system is powered by AC power or a source of finite power capacity (such as a battery or UPS), as is recited in claim 1, as amended. In other words, the DVC in the Sakai reference is not determining, by executing a periodic maintenance routine, whether or not it is on battery or UPS power. Instead, the DVC is determining whether or not it is on battery power when a data transfer is initiated or when a data passthrough is completed. Accordingly, applicants respectfully submit that claim 1, as amended, distinguishes over Sakai reference.

Independent claims 10 and 14, both as amended, recite limitations similar to claim 10, as amended. Accordingly, independent claims 10 and 14, both as amended, distinguish over the Sakai reference for reasons similar to those discussed above in regard to claim 1, as amended.

Claims 3 - 5, 8, 9, 11, 13, and 15 - 17 depend, indirectly or directly on independent claims 1, 10, and 14. Accordingly applicant respectfully submits that claims 3 - 5, 8, 9, 11, 13, and 15 - 17 distinguish over the Sakai reference for the same reasons as discussed above in regard to claim 10 and 14.

Claim 4, as amended, further distinguishes over the Sakai reference. Claim 4, as amended, recites:

The link speed adjusting system of claim 1, wherein said network device driver again **executes the maintenance routine to determine if the computing system is powered by an AC power source and causes said network adapter to switch from a lower link speed to a**

higher link speed when said power source changes from the power source of finite power capacity to the AC power source.

The Sakai reference does not disclose, teach, or suggest the link speed adjusting system of claim 4, as amended. The Sakai reference discloses only the changing of link speed when a data transfer is initiated or a data passthrough is initiated. The Sakai reference does not disclose that a **maintenance routine is executed again which causes the network adapter to switch back to a high link speed if the power source is not the AC power source**, as is recited in claim 4, as amended. Accordingly, applicant respectfully submits that claim 4, as amended, further distinguishes over the Sakai reference.

Claim 15, as amended, recites limitations similar to those discussed above in regard to claim 4, as amended. Accordingly, applicant respectfully submits that claim 15 further distinguishes over the Sakai reference for similar reasons to those discussed above in regard to claim 4.

Claim 8 further distinguishes over the Sakai reference. Claim 8, as amended, recites:

The link speed adjusting system of claim 1, wherein the link speed remains at the lower link speed at all times if the source of finite capacity is the battery.

The Sakai reference does not disclose, teach, or suggest the link speed adjusting system of claim 8, as amended. Specifically, the Sakai reference discloses that when the DVC is powered by a built-in battery, data transfer is performed between the PC and the DVC or between the DVC and the VCR at a transfer rate of 100 megabits per second. In addition, the Sakai reference discloses that the data transfer is

performed between the PC and the VCR at 400 megabits per second when the DVC is performing a repeat transfer (i.e., acting as a temporary buffer). In other words, under battery power, when the DVC is transferring data to either the PC or the VCR, the DVC is doing so at the high link speed, whereas when the DVC is acting as a temporary buffer between the two, it is operating at the lower link speed.

This is not the same as transmitting at the lower link speed at all times if the source is a battery because the Sakai DVC transmits at both a high and a low link speed when it is powered by a battery. Accordingly, applicant respectfully submits that claim 8, as amended, further distinguishes over the Sakai reference.

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Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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